

FIELD HEARING ON POSTAL INSPECTION SERVICE
DRUG STING OPERATION

Y 4. P 84/10: 103-34

Field Hearing on Postal Inspection...

HEARING
BEFORE THE
COMMITTEE ON
POST OFFICE AND CIVIL SERVICE
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

SECOND SESSION

FEBRUARY 28, 1994

Serial No. 103-34

Printed for the use of the Committee on Post Office and Civil Service



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(III)

FIELD HEARING ON POSTAL INSPECTION SERVICE DRUG STING OPERATION

MONDAY, FEBRUARY 28, 1994

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, DC.

The committee met, pursuant to call, at 9:57 a.m. in the Jane M. Thompson Memorial Chambers of the Palm Beach County Government Center, 301 North Olive Avenue, West Palm Beach, FL, Hon. William L. Clay (chairman of the committee) presiding.

Members present: Representatives Clay and Hastings.

Mr. CLAY. The committee will come to order.

Today, we will hear the testimony of individuals who were victimized by a narcotics sting operation conducted by the postal inspectors of the U.S. Postal Service. We will hear from a former postal inspector who warned management of the problems in the West Palm Beach sting, and the public defender of 15 of the 19 victims of this sting.

Early last year, the committee learned of a narcotics sting operation conducted by the postal inspectors in Cleveland. Convicted felons were placed on the workroom floors, as paid informants, who falsely accused 20 innocent people of illegal drug involvement. They were falsely arrested, thrown in jail, and fired from their jobs. The committee immediately began an investigation of the Inspection Service.

Postal officials told this committee that the Cleveland operation was an isolated incident caused by two renegade inspectors. Sadly though, the committee has found similar occurrences in West Palm Beach, Los Angeles, Minneapolis, Boston, and Toledo.

West Palm Beach and Cleveland are the bookends of our investigation. First, we found the misuse of confidential informants in narcotics operations by the Inspection Service in West Palm Beach. Nineteen minority employees were arrested and not one of them was ever convicted of a crime. Four employees were acquitted after costly trials and remaining cases were dismissed by prosecutors after learning of criminal activity by paid informants. Many of those employees were publicly arrested, handcuffed, marched before television cameras, and hauled off to the local police station. Both the inspector and his supervisors lacked the proper training to conduct sting operations. In fact, those managers ignored warnings from a senior postal inspector about the despicable conduct of the informant.

Even after the reputations of 19 people were ruined, the Inspection Service continued with its narcotics program. The road show

moved to Los Angeles, to Minnesota, to Boston, and finally Cleveland and Toledo. For 7 years, inspectors gave convicted felons carte blanche control over narcotics sting operations. Postal workers—innocent postal workers—suffered.

That is only part of the story. These victims have endured great suffering and the Postal Service can never fully compensate them for the damage the Inspection Service has wrought. In fact, the Postal Service has refused to rehire three of the victims of that sting—innocent victims, I might say.

The testimony we hear today will underscore the need for legislation to correct these wrongs and to prevent repetition.

I want to take a moment to thank my dear friend and colleague, Congressman Alcee Hastings, and his staff for assisting the committee in this investigation, and specifically for assisting with the logistics of this hearing. Congressman Hastings is recuperating from open heart surgery and he has been kind and very helpful to us in this endeavor.

So Congressman, we welcome you this morning and we are glad to see that you are in tiptop shape and ready for combat.

Mr. HASTINGS. Thank you very much, Mr. Chairman, and I welcome you and your staff to Florida and Palm Beach County and District 23. It is the first time that we have had a field hearing in my district and I am grateful to you and your staff for having taken the time to come here and investigate the Postal Inspection Service drug sting operation.

Certainly we are going to be looking for those things that did happen, Mr. Chairman, and at the same time being cognizant that there are some positive things that have taken place with reference to the inspection division, and we would want to know about those as well.

But the recent sting operation case in Cleveland, as you well know, surprised all of us on the Postal Committee. And I find it shocking that the Cleveland postal inspectors permitted convicted felons to falsely accuse 20 innocent people of participating in a narcotics ring. And now we have learned that this was not the first time this happened. Right here in West Palm Beach, a similar situation took place over 8 years ago. And the grievances are numerous that stem from it.

I look forward to hearing the testimony of former inspector, Mr. McDarby, Mr. Rodriguez, Mr. Fields, and another young attorney who I have known even when I was a Federal judge, Mr. Chairman, John Mattes. And the stories are devastating. We must learn from their tragic experiences and use any possible Federal remedy to halt the suffering and devastation caused by fraudulent sting operations.

And once again, I welcome you and your staff, Mr. Chairman.

Mr. CLAY. Thank you.

Our first witness this morning is Mr. Robert J. McDarby. Mr. McDarby, your entire statement will be entered in the record at this point and you may proceed as you see fit.

STATEMENT OF ROBERT J. MCDARBY, RETIRED POSTAL INSPECTOR

Mr. MCDARBY. Thank you, Mr. Chairman, Mr. Hastings, members of the committee. My name is Robert J. McDarby, I am a retired U.S. Postal Inspector.

Although what I have to say is critical of the way in which the Postal Inspection Service has been run in recent years, my intent is not to injure the Inspection Service or its employees. There are many fine men and women in the Inspection Service who do an admirable job in spite of the system under which they must function.

This is the first time that I have expressed criticism of the Postal Inspection Service outside of the Postal Service. However, my past attempts to correct what I saw as problems from within failed. I hope this committee can succeed in steering the Postal Inspection Service back to serving the U.S. Postal Service instead of serving itself and its managers.

I was a Postal Service employee for over 31 years. I served as a postal inspector for 24 years and 11 months, I retired effective April 30, 1993. I was a letter carrier for over 6 years before my appointment as a postal inspector.

The majority of my Inspection Service career was spent in investigative assignments and I was experienced in conducting investigations. I was domiciled at Brooklyn, NY; Newark, NJ; Jersey City, NJ, and Tampa, FL. I also served 1 year in the Northeast Regional Office and 4 years in Inspection Service headquarters at Washington, DC. During my last 3 years at headquarters, I managed the Inspection Service Budget and Procurement Branch. In 1981, I voluntarily reduced my pay level and transferred to Tampa, FL, where I finished my career in investigative assignments.

During the 1980's, there were changes in Inspection Service policy which affected both the work and working conditions of field inspectors. More and more emphasis was placed on statistics such as arrests, and statistics were more closely tied to an inspector's annual performance evaluation.

Postal inspectors worked under a performance evaluation system known as the Merit Program. Before the start of each fiscal year, an inspector had to agree to quantify specific work goals and objectives which were to be accomplished during the coming year. At year's end, the inspector would report what had been accomplished toward meeting each goal and objective. The inspector's performance would then be categorized by one of three adjectives—outstanding, satisfactory, or unsatisfactory.

The Merit Program placed pressures on inspectors. The pressure increased markedly when goals and objectives became arrest quotas. Inspectors with criminal investigative assignments were required to state specific arrest numbers in their annual goals and objectives. Performance goals became arrest quotas which led field inspectors to coin the phrase "collars for dollars."

A field inspector's annual performance rating was tied directly to the statistics which the inspector reported. If you reported the collars, you got the dollars. Failure to produce the required statistics could result in no pay bonus, reassignment to an undesirable job, and loss of the opportunity to transfer to another work location.

The continual push for increased statistics spurred Inspection Service employees to find new sources of arrests, just as a sales organization might search for new markets. Undercover narcotic cases were one type of investigation which evolved from this creative effort.

My first experience with an undercover narcotic investigation was at Miami, FL, in January 1983. I was one of a group of postal inspectors who were sent to Miami to process employees identified as drug dealers through an undercover operation at the Miami General Mail Facility in 1982. In that drug operation, postal inspectors were used in the undercover roles, which was common at that time.

Inspector Judy Groome and I were assigned to interview and process a female clerk who worked at the Miami General Mail Facility. When we interviewed the woman, she denied using or selling illegal drugs. She said the only thing she could recall doing was giving an over-the-counter diet pill to a new employee who had asked for something to help him stay awake—they worked on the night shift. She said the diet pills caused her sleeplessness, so she gave him one to try. She said he insisted on paying her for the pill and she finally accepted \$2 although she had not requested any money from him. The man was a postal inspector who was working undercover.

Inspector Groome and I took a written statement from the woman. We then went to the postal manager who was initiating immediate disciplinary action against the employees identified in the investigation. Inspector Groome and I told the manager he should reconsider taking any action against the woman.

Nevertheless, the woman was given charges and removed from the Postal Service. In spite of doing nothing wrong, she became an Inspection Service statistic. The Inspection Service took credit for her removal.

When the Inspection Service started undercover narcotic investigations in post offices, postal inspectors were used in the undercover roles. At some point, the change was made from using inspectors to using confidential informants. Inspectors were not producing significant cases. In addition, it became difficult to get inspectors for the undercover assignments because of the hardships involved, such as extended absences from home.

My next experience with an undercover narcotics investigation started in the late spring or early summer of 1985. Through conversations with other postal inspectors, I learned a narcotics investigation, utilizing a confidential informant, was being conducted in the West Palm Beach, FL, Post Office. Conversations which I heard among inspectors indicated the informant was entrapping postal employees by asking them to get him drugs as a favor. The informant would allegedly tell the employees where to go and who to see for the drugs. The inference was the employees would not know how to obtain the drugs on their own.

This information troubled me enough that I sent a written communication to the Postal Inspector in Charge, Special Investigations Division, which is the Inspection Service Internal Affairs Office, sometime during July 1985. I reported my concern that the

West Palm Beach confidential informant might be entrapping postal employees.

On August 8, 1985, the Tampa Division Postal Inspector in Charge told me to take the first available flight to Memphis, TN, on August 9 for a meeting with the Regional Chief Postal Inspector.

I did as instructed. When I arrived at the Regional Chief Inspector's office on August 9, I was taken to a conference room. There I was met by Regional Chief Inspector J.M. Kelly, and Assistant Regional Chief Inspectors B.G. Martin and L.S. Crawford, Jr. Regional Chief Inspector Kelly began and asked me why I had written to Special Investigations about West Palm Beach rather than to him. I told him there were no instructions on how to handle these matters and Special Investigations seemed the logical choice. Regional Chief Inspector Kelly told me to report future concerns to him and he then left the room.

Assistant Regional Chief Inspectors Martin and Crawford then questioned me about West Palm Beach. I told them I had no evidence of wrongdoing by the informant but I felt the rumors were serious enough to warrant a review of the confidential informant's work. They told me the U.S. attorney was comfortable with the case. I told them the U.S. attorney's knowledge of a case was usually limited to that information which we gave him and that he might not have received all the information about the West Palm Beach case.

They said if they were to conduct an investigation of the West Palm Beach case, field inspectors would eventually learn that I was the cause of the investigation. I told Martin and Crawford I was not concerned. They then took a written statement from me and I returned to Tampa with the uneasy feeling that the regional managers did not want to find any problems with the West Palm Beach case.

I next saw Regional Chief Inspector Kelly when he visited Tampa on February 3, 1986. I asked Regional Chief Inspector Kelly how Martin and Crawford's investigation turned out. He said everything at West Palm Beach was fine and there were no problems with the investigation.

As it turned out, everything was not fine in West Palm Beach, and there were serious problems with the investigation even though the Postal Inspection Service has never admitted it.

The West Palm Beach case was assigned to an inexperienced inspector. As a result, the confidential informant ran the investigation. The inspector did not recognize the informant was creating the crimes rather than giving people the opportunity to commit a crime if they were so inclined.

Because the Inspection Service ignored what was happening, matters have gotten worse, and the Cleveland case is a glaring example. The Inspection Service slid from entrapment to outright fabrication.

There was a time when I was proud to be a postal inspector. That pride has been replaced by embarrassment and even shame over incidents like the narcotic investigations in West Palm Beach and Cleveland.

[The prepared statement of Mr. McDarby follows:]

PREPARED STATEMENT OF ROBERT J. McDARBY, RETIRED POSTAL INSPECTOR

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Mr. CLAY. Thank you.

Mr. McDarby, you mentioned that field inspectors coined the phrase "collars for collars" when referring to performance goals or arrest quotas. In your opinion, how did this program affect the quality of work?

Mr. MCDARBY. It affected the quality adversely because the emphasis became producing numbers rather than producing solid cases. It is a dangerous situation when you get inexperienced inspectors feeling pressure to produce arrests and statistics.

Mr. CLAY. Did it cause them to present bad cases for prosecution, in your opinion?

Mr. MCDARBY. In my opinion, it did cause them to present bad cases because what happens when these type pressures are put upon an investigator, the investigator is no longer objective. Instead of looking at a situation and trying to determine what the facts are, the investigator looks at a situation and tries to make a case against an individual in the hope of producing a statistic. It does not work.

Mr. CLAY. You mentioned how lightly they took your inquiry about the possibility of the informant violating certain practices and laws. Do you feel that because you blew the whistle, in some way it affected your career?

Mr. MCDARBY. I know I did not get any promotions and I got generally bad ratings from that time on. At the time I reported my concerns about West Palm Beach, I had applied for a liaison position with Interpol in France. I had the qualifications for the assignment, my immediate supervisor rated me fully qualified for the assignment, but the application got to the inspector in charge after this came to light about what I reported in West Palm Beach and the inspector in charge said I was not ready yet for the assignment because I had problems in my interpersonal skills with other inspectors. I asked him for specifics, but he never provided any.

Mr. CLAY. You were an inspector for how long?

Mr. MCDARBY. For 24 years and 11 months.

Mr. CLAY. And in your experience, did you ever see incidents where it warranted the use of elaborate undercover sting operations because there was such a terrible use of illegal drugs in the post offices?

Mr. MCDARBY. I visited many post offices in my Inspection Service career and I never saw any evidence of a widespread drug problem in the Postal Service. There would be ways to identify drug problems by employee absenteeism, tardiness, poor work performance. I never saw evidence of that, and I think the results of the narcotics investigations, looking at things like the minuscule amounts of narcotics that were recovered in the buys would show that there is no serious narcotics problem in the Postal Service.

Mr. CLAY. During the course of this investigation, we have become aware of a practice of the Inspection Service paying check cashing services and department store security personnel when they make a call to them and say that they suspect that there is a stolen check or a credit card there. The postal inspectors would immediately show up and interview the suspect, then call the local police and return to the office to claim an arrest statistic, without ascertaining whether or not the check or credit card was actually stolen from the mail.

Now in your opinion, are the postal inspection arrest statistics accurate, and do you think this is part of the pressure that has been put on them to have a certain amount of arrests or statistics in order to get promotions?

Mr. MCDARBY. I think the statistics on actual number of arrests are probably valid if you count things like the circumstance you describe where an inspector goes out, sees someone has a check that appears to be stolen, calls the local police, and turns them over to the local police. The individual does get arrested, but the Inspection Service does very minimal work in that. If someone takes a

look at the criminal justice statistics through the 1980's, they will see that the Postal Inspection Service claimed arrests more than doubled during that period, with effectively a decreasing work force, because they created team leader positions to put more oversight on inspectors. And that is part of the problem too. For every 3.9 postal inspectors, there is more than one supervisory management position. And that is extraordinary in a professional organization. But at any rate, the arrests more than doubled during the 1980's and it amazed me that no one ever went to the Chief Postal Inspector and said how in the world are you doing this. Apparently the way it happened was postal inspectors were not actually making all those arrests, they were either calling the police or taking what we used to call blotter arrests, finding out about someone who had been arrested by another agency on a postal related charge and taking credit for the arrest ourselves, when we really did nothing to cause the arrest.

Mr. CLAY. Now in your 24 years as an inspector, I guess you would have to be very knowledgeable about training procedures. Tell the committee what kind of training and how long were inspectors trained to deal with paid informants and undercover operations.

Mr. MCDARBY. I never had any direct contact with training people on dealing with confidential informants, but if there was such training it was not very comprehensive because all the experiences I saw of people using confidential informants were bad. Generally the confidential informants were directing the investigation, the inspectors never had a good grasp of what was going on, and again, I think it might go back to the pressures that the inspectors felt, that they developed tunnel vision and they were looking to make a case against someone rather than trying to determine what the facts and the truth actually were.

Mr. CLAY. Thank you.

Congressman Hastings.

Mr. HASTINGS. Thank you so much, Mr. Chairman.

Mr. McDarby, your testimony is more than poignant, and I will just take the personal prerogative. I cannot speak for the Chair or other members of the committee for thanking for you for being so forthcoming. Even as a former employee, it becomes difficult sometimes to be critical of those with whom you served, and I recognize that and appreciate you so very much for coming forward in this manner.

Let me ask you, what event or events, if you can recall, clued you in to the fact that the West Palm Beach investigation was not going correctly?

Mr. MCDARBY. Well it was just there were postal inspectors in Tampa who had formerly worked in Miami, and the West Palm Beach investigation was run out of Miami. Miami was the headquarters for that. So the inspectors in Tampa had contact with these other inspectors, and they were talking about there being serious questions on how the confidential informant was working, that rather than identifying drug dealers and drug users in the post office, that he was inducing people to get drugs for him as a favor. In fact, I heard after the case, two inspectors were assigned to pick up the employees identified in the investigation, and they

picked up a male employee and sat him down, told him what the charge was, and he said, "You do not mean the time I went and got something for so and so," which is the type of situation I ran into in Miami. If someone is a drug dealer, if someone is dealing in drugs, they are not going to be able to pick out the instance that you are talking about in the charge and what happened weeks or months before. Then this fellow said the informant asked him to go and get drugs for him, he went and did it, which he should not have done, he said the informant gave him the money and he said he had even given the informant his change back. That is not a drug dealer. The man did something dumb, but he is not a drug dealer and that is where we have to make the distinction.

Mr. HASTINGS. Right. And so those kinds of things began to let you know that this particular investigation had gone awry.

Mr. MCDARBY. That is correct.

Mr. HASTINGS. During your tenure with the Inspection Service, was there a system of checks and balances or a set of controls to provide for an audit of internal and external crime programs of any kind?

Mr. MCDARBY. There were reviews that headquarters and regional offices would do, but when I worked at headquarters, I went out on regional reviews myself and how critical the review became depended upon how well the Chief Postal Inspector liked the individual Regional Chief Inspector. If they had a good personal relationship, we just went in and gave it a lick and a promise and never really took a hard look at anything. And I think what happened when I sent my report to Special Investigations, they sent it down to the region and the region did not do anything shows that there is no real oversight and there is no interest in finding anything wrong, because if there is pressure on field inspectors to produce for the dollars, the managers have the big pressures because they get bonuses in the area of \$10,000 for these cases. So they want these cases to be good, they do not want bad cases.

Mr. HASTINGS. Right. Let me ask you a question, and you do not have to answer it, I just am curious. You today do not have any pending litigation with the Postal Service or the U.S. Government?

Mr. MCDARBY. No, I do not.

Mr. HASTINGS. All right, I appreciate that very much.

One final question, Mr. Chairman, if you will permit me. You say in your testimony, Mr. McDarby, that—and I quote you, "My past attempts to correct what I saw as problems from within failed." How would you, as you sit there now, propose that the Postal Inspection change its procedures to guarantee that the occurrences like what took place in Cleveland and Toledo and here in West Palm Beach do not repeat themselves? And I recognize that you cannot be pejorative to the extent that anything is going to be done about it. But maybe you would suggest three or four things that you feel, based on your experiences, would be helpful at this point, maybe over and above getting out of that business.

Mr. MCDARBY. I think one thing they have to do is set up some kind of procedure that inspectors know what they can do if something is wrong. What they do now is tell people go to your inspector in charge, but generally it is the inspector in charge overseeing

what the inspector feels is wrong. So it puts you in a Catch-22 position.

Another thing, I think you have to set up some kind of protection for employees who are whistleblowers. I was a whistleblower within the service, I never went outside, and I got hammered for it. In 1989, I again wrote to the Special Investigations Division about this using check cashers as a confidential informant, and I questioned seriously the statistics that the Tampa division was claiming as a result of that. But what I reported was referred back to the inspector in charge in Tampa, who was implicated in what I reported. He brought charges against me and I was suspended for a week. And I had no place to go because I was locked within the system. Not only do you not get promotions, which hurts you all down the road including into your pension, but you face disciplinary action and at one point then, my supervisor told me if I kept it up, I would be fired and though I might prevail on appeal, I was going to be ruined and my family would be ruined in the meantime.

Mr. HASTINGS. Right.

Mr. MCDARBY. And it is because of things like that that I can feel some affinity for postal employees and what has happened to them.

Mr. HASTINGS. Right.

Mr. Chairman, that is the last question I have, and a very brief statement, following up as a segue to what Mr. McDarby just said—I heard repeated assertions in this same area that he was the postal inspector, as an attorney. And numerous persons came to my office with very similar views that he just talked about, and if we do nothing more, we do need to try to fashion some legislation that will protect the whistleblowing employees in the Postal Service.

Thank you, Mr. Chairman.

Mr. CLAY. I certainly agree with you. And we thank you for your testimony, Mr. McDarby.

Mr. MCDARBY. You are welcome.

Mr. CLAY. The next witness is Mr. José Rodriguez. It is a panel, and Mr. Anthony Fields.

Gentlemen, welcome to the committee and without objection, your entire statements will be entered in the record. Mr. Rodriguez, will you begin?

STATEMENTS OF JOSÉ RODRIGUEZ, FORMER POSTAL SERVICE EMPLOYEE AND ANTHONY FIELDS, FORMER POSTAL SERVICE EMPLOYEE

Mr. RODRIGUEZ. Yes thank you, Mr. Chairman, for giving me the opportunity to appear before you today. I have been trying to get my story before the public for many years. The effect upon me and my family has been almost unbearable.

Mr. Chairman, I am a decorated veteran, I received a Purple Heart, having fought for my country in Vietnam. I am not an educated man, but I have worked hard to provide for my family and to give them a better life. Prior to 1985, I thought I was on track with my goals.

In 1984, I was given full time employment by the U.S. Postal Service. Prior to this date, I had spent several years working as a temporary employee awaiting an appointment as a full time employee. I came to work every day and worked myself into the position of senior mail handler. I had new employees assigned to me for training and was respected by everyone I worked with. I never had any problem until one day when an employee was assigned to assist me. The problem was he would not work. I complained to my supervisor, but it turned out the employee was untouchable, so I continued to put up with him. A few days after he started to work with me, he began talking about getting over. I did not understand at that time what his meaning was and when he informed me, I immediately told him I do not mess with drugs. I also warned him that he could get fired for talking about drugs. I also told him that because he was talking about drugs, he could get me in big trouble. I told my supervisor I wanted him removed from my area, but the supervisor told me I would have to work around him. At one point, he asked for some coke, I told him I only use one kind of coke and it came in a Coke can. This still did not stop him as he continued to ask me for drugs. The other thing this individual did was to walk away from the work station and talk to various people. He talked with my friend Anthony Fields and Charlie O'Neill. Mr. Fields is here today and he will tell you his story.

The end result of me working around the employee was my unjust arrest in June 1985. I was coming to work when I noticed that there were a number of inspectors escorting employees I knew from the post office. My first reaction was that some people never learn. As I got to my station in the post office, I was stopped by two inspectors. At that time, they asked me if I was José Rodriguez and I replied that I was. They then told me I was under arrest for the sale of a controlled substance. I told them this was a mistake, I had not been involved in the sale of any drugs. The inspectors laughed and told me to follow them to their office.

Upon arriving at the office, I was presented with a paper explaining my constitutional rights and asked to sign it. They explained that by signing this paper, I was acknowledging that they had advised me of my rights to counsel and that I did not have to talk to them. I signed the paper because I knew a mistake was being made and I wanted to tell them that they had the wrong person. I thought I would be given the opportunity to explain why they were wrong, but instead, I was taken before a judge and then told to go home. This procedure caused me the most pain. I was walked from the post office to the Federal building in handcuffs. The TV cameras were rolling and a reporter saying that I was part of a drug operation in the West Palm Beach post office. I have never been so humiliated in my life. Then when I got home, my mother and children were waiting for me. My oldest son told me I was a drug dealer and then the problems started with him. I eventually sent him to Puerto Rico to live with my family.

Following my release from the court, the inspectors told me not to report to work for the next day. On that day, I received a letter from the personnel manager telling me that I was being suspended with pay until further notice. I immediately called my union representative who told me to sit tight and things would be worked

out. I continued in a pay status for several months, then in December 1985, the payments stopped.

I called my union and was told that because I was a veteran, I could have my case resolved before the Merit Systems Protection Board. I was told this was the quickest way to get the matter finished. I thought again that finally I would be able to get my story before someone and be found not guilty of any crime. I want to express to you that it was not my idea to have this hearing. Anyway, I believe this was best because I was being advised that if I refused to have this hearing, I could lose all my rights to be reinstated.

In preparation for the hearing, I notified the Postal Service, through my representative, that I wanted certain individuals to testify in my behalf. On the day of the hearing, the individuals did not testify. The Postal Service, knowing these people needed to travel to Miami, worked each one mandatory overtime. The individuals ended their day at approximately 7:30 a.m., the trip to Miami takes about 1 hour and 45 minutes. The hearing started at approximately 9 a.m. The inspectors and the informant both testified, telling the hearing officer that I sold drugs to the informant. My defense was never presented because the hearing officer refused to permit my representative to delay the hearing until contact could be made with the witnesses. The hearing officer ruled that the Inspection Service had presented a convincing case and ruled in their favor. I never had the chance to testify or present any evidence to contradict any of the evidence. I had gone to this hearing thinking that I would be able to clear my name, only to once again be denied the right of due process. I still believed I had one more chance when my case would be called for a court hearing.

In May 1986, I received notice of my court hearing. I went to court but the case was dismissed and once again I was not able to tell my side of the story. However, I thought I was vindicated because I was not convicted of a crime and that now I could get my job back. I thought this because all the other employees who had their cases dismissed were given their job back with back pay.

I quickly learned that my job was still beyond my reach. Because Mr. Fields, Mr. O'Neill, and myself had our cases heard before the MSPB, the Postal Service used the results of the hearing to prevent us from reinstatement. After the dismissal of the other cases, those employees grieved their status and won in an arbitration hearing. I have heard that some employees received as much as \$30,000 in compensation.

I stand before you today a wronged man. I have lost face before friends and family, given up on the plans I had for a better life and forced to work three jobs to survive. It is unbelievable that the only place I have been found guilty of anything is with the MSPB. Even stranger is the fact that the court ruled this evidence used by the MSPB Hearing Officer was not true.

Mr. Chairman, I have never been involved with drugs. I have always tried to live within the law and have tried to teach my children the difference between good and evil.

Thank you, Mr. Chairman, for finally allowing me to tell my story. I will be glad to answer any questions you may have.

Mr. CLAY. Thank you.

[The prepared statement of Mr. Rodriguez follows:]

PREPARED STATEMENT OF JOSÉ RODRIGUEZ, FORMER POSTAL SERVICE EMPLOYEE

May I introduce myself to you. My name is José Rodriguez, a former employee of the United States Postal Service, located in West Palm Beach, Florida. The contents of this letter is to enlighten you of the incidents that occurred during the Arbitration Hearing, which involved the apparent or so called "drug bust", the Post Office carried out. I am sure you are aware of the incident that happened in 1985 and I was one of them involved.

Please take the time and read this letter which I believe will show that I did not get a fair and just hearing and find in this letter, that Due Process was violated by the Arbitrator.

STATEMENT

The United States Postal Service forced me to go to the Merit System Protection Board (M.S.P.B.). I now know that there were other options but these alternatives were not given to me. I was merely informed that I had a number of days to apply to M.S.P.B., if not, my case was lost and any subsequent actions on my part would be futile.

On December 11, 1985, Mrs. Margaret S. Cunningham was scheduled to preside at 8:00 a.m. At that time, someone came to speak with Mr. Peter C. Marcoux, then Mr. Marcoux announced something to the effect that "she's here and I am going to pick her up". Mr. Marcoux was the Labor Relation Representative for the Postal Service in Linda Allen's Arbitration on June 10, 1986 and in Linda Parker's Arbitration on June 20, 1986. (There are two other employees involved) Mr. Marcoux was gone for about an hour and an half (the airport is just off the Postal Office locale). Sometimes after 10:00 a.m., Mrs. Cunningham arrived in the company of Mr. Marcoux. Mr. Marcoux then seated himself next to Mr. William Arnold, who was the Labor Relation Representative for the Postal Service on my case on M.S.P.B. Through the entire hearing, Mr. Peter Marcoux was Mr. Arnold's assistant, advisor and served in retrieving information for him.

Mrs. Cunningham lunched with Postal Service witnesses and officials. When the hearing was over Mrs. Cunningham asked Mr. Leonard Wheeler, whether Mr. Marcoux could take her back to the airport. He answered affirmatively. When I went to the parking lot, I saw that Mr. Marcoux and Mr. J. Nasipack, S.C.D. employer and Labor Relation, who were apparently designated to take the Arbitrator to the Airport.

I had three witnesses; two Postal Service workers and one retired

On December 10, 1985, the day before the M.S.P.B. hearing, Mr. James Swain, (witness) informed the head Supervisor of his intention to testify the next day. Mr. Swain inquired as to what arrangements were feasible. He was concerned that the normal work process not be significantly interrupted. Mr. Swain was told to work overtime. My next witness Mr. Nealy Napoleon, was scheduled to testify on my behalf, was told to work overtime too. Nonetheless, all the individuals Mr. Tony Montanex listed to appear as witnesses were present. I believe that in terms of fairness and of good faith in these proceedings, the Postal Service could have taken the necessary steps to assure that my witnesses would be available for testimony. There was another key witness, Janet McDaniels (Mr. Gilbert's girlfriend) and also worked with us at the Post Office.

Mrs. Cunningham, presiding official, did not accept Janet McDaniels as a witness neither did she accept as evidence, Mr. Gilbert's criminal history, even if only to verify his credibility when Mr. Leonard Wheeler asked this presiding official about my witnesses. She merely nodded, she did not care to see them. Mrs. Cunningham did not inquire as to why they were not present nor did she make any related comments. The only ones present were Mr. Robert Gilbert, Mr. Nasipak and Mr. Santiago as witnesses. If any of the supervisors would have testified, they would have affirmed that I was never later, nor absent and that I was always at my station working. In effect, that I am a good worker. I had previously complained to my Union Representative, Tom Spirko about Mr. Robert Gilbert not coming to work. I noted that I had to do the job myself, that he was always outside in his car cruising or doing drugs. He advised me to inform my supervisor. I spoke with Mr. Nealy Napoleon about what was going on: that Mr. Gilbert was never in the station and he was always asking me for drugs and that I had to lead him in no uncertain terms, that all he had to do was go to the corner of Georgia and Okeechobee and there he would find whatever he wanted. I told Mr. Napoleon everyday that I did not want Mr. Gilbert at my station and this was every day. Mr. Gilbert would fall asleep on the couch in the mens room (a couch that was to be used solely for medical emergencies). Yet, during the hearing, Mr. James Fout questioned Mr. Gilbert in the following terms:

Do you do drugs? Mr. Gilbert answered, "No".

Mrs. Cunningham believed him, without proof, witnesses or further questioning. It is a well known fact that this gentleman was a known drug addict. Everytime Mr. William Arnold made an objection, Mrs. Cunningham would see to it that his objection was sustained. If he did not make an objection she would make it for him. Mrs. Cunningham accepted a few of our exhibits but always making it clear that she would not pay attention to it or give it any credibility. While Mr. Leo Santiago and Mr. Gilbert were being questioned, they mentioned the tapes. Yet, without listening to them or receiving them, Mrs. Cunningham gave them credibility. It seems Mrs. Cunningham had it against my representative Mr. Leonard Wheeler, she had arrogance that goes with the power, where the court is her turf and she can admit or neglect testimony arbitrarily based only on pre-set conclusion. To her it was merely a matter of finding us guilty as expeditiously as possible. See Page 42, to understand this case (transcript of Merit System Protection Board). I believe that if I had not been advised that as a Vietnam Veteran, I had to go to the M.S.P.B., by now I would be working. The Arbitrators that saw the other cases did their homework, they did not take sides. They went to assure that justice was done, objectively and with no prejudice. They looked for information, read the newspapers, evaluated Mr. Robert Gilbert, heard all the witnesses and only then came to a conclusion.

I believe firmly that this hearing should be impugn in Court for the following reasons:

1. violation of due process by not allowing oral evidence to impugn credibility of the witness.
2. improper behavior of the Arbitrator in that she reunited with witnesses and officials of the employer before, between and after the hearing.
3. Mrs. Cunningham accepted the "hear-say" of Mr. Gilbert and Santiago on what they said about the tapes, but she did not accept witnesses of the evidence taken to her by my representative, Mr. Leonard Wheeler.

ADDITIONAL STATEMENT OF JOSÉ RODRIGUEZ, FORMER POSTAL SERVICE EMPLOYEE

Thank you Mr. Chairman for giving me the opportunity to appear before you today. I have been trying to get my story before the public for many years. The effect upon me and my family has been almost unbearable. Mr. Chairman I am a decorated Veteran (I received a Purple Heart) having fought for my country in Vietnam. I am not an educated man, but I have worked hard to provide for my family and to give them a better life. Prior to June 1985, I thought I was on track with my goal.

In 1984, I was given full time employment by the U.S. Postal Service. Prior to this date I had spent several years working as a temporary employee awaiting an appointment as a full time employee. I came to work every day and worked myself into the position of a senior mail handler. I had new employees assigned to me for training and was respected by everyone I worked with. I never had any problems until one day when an employee was assigned to assist me. The problem was, he would not work. I complained to my supervisor but it turned out the employee was untouchable, so I continued to put up with him. A few days after he started to work with me he began talking about "getting over". I didn't understand at that time what his meaning was and when he informed me, I immediately told him I do not mess with drugs. I also warned him that he could get fired for talking about drugs. I also told him that because he was talking about drugs he could get me in big trouble. I told my supervisor I wanted him removed from my area, but the supervisor told me I would have to work around him. At one point he asked me for some "coke", I told him I only used one kind of coke and it came in a Coke can. This still did not stop him as he continued to ask me for drugs. The other thing this individual did, was to walk away from the work station and talk to various people. He talked with my friends Antony Fields and Charles O'Neill. Mr. Fields is here today and he will tell you his story.

The end result of me "working around" the employee was my unjust arrest in June 1985. I was coming to work when I noticed that there were a number of Inspectors escorting employees I knew from the Post Office. My first reaction was that some people never learn. As I got to my station in the Post Office I was stopped by two inspectors. At that time they asked me if I was José Rodriguez and I replied that I was. They then told me I was under arrest for the sale of a controlled substance. I told them this was a mistake, I had not been involved in the sale of any drugs, the inspectors laughed and told me to follow them to their office.

Upon arriving at the office I was presented with a paper explaining my Constitutional Rights and asked to sign it. They explained that by signing this paper I ac-

knowledgeed that they had advised me of my "Right" to counsel and that I did not have to talk to them. I signed the paper because I knew a mistake was being made and I wanted to tell them they had the wrong person. I thought I would be given the opportunity to explain why they were wrong, but instead I was taken before a judge and then told to go home. This procedure caused me the most pain. I was walked from the Post Office to the Federal Building in handcuffs. The TV cameras were rolling and a reporter was saying that I was part of drug ring operating in the West Palm Beach Post Office. I have never been so humiliated in my life. Then when I got my mother and children were waiting for me. My oldest son told me I was a drug dealer and then the problem started with him. I eventually sent him to Puerto Rico to live with my family.

Following my release from the court, the inspectors told me not to report for work the next day. On that day I received a letter from the personnel manager telling me that I was being suspended with pay until further notice. I immediately called my union representative who told me to "set tight" and things would be worked out. I continued in a pay status for several months, then in December 1985 the payments stopped.

I called my union and was told that because I was a veteran I could have my case resolved before the Merit Systems Protection Board. I was told this was the quickest way to get the matter finished. I thought again that finally I would be able to get my story before someone and be found not guilty of any crime. I want to express to you that it was not my idea to have this hearing. Anyway, I believed this was best because I was being advised that if I refused to have this hearing I could lose all my rights to re-employment.

In preparation for the hearing I notified the Postal Service, through my representative, that I wanted certain individuals to testify in my behalf. On the day of the hearing, the individuals did not testify. The Postal Service, knowing these people needed to travel to Miami, worked each on mandatory overtime. The individuals ended their day at approximately 7:30 a.m., the trip to Miami takes about one hour and forth-five minutes. The hearing started at approximately 9:00 a.m. The inspectors and the informant both testified telling the Hearing Officer that I had sold drugs to the informant. My defense was never presented because the Hearing Officer refused to permit my representative to delay the hearing until contact could be made with the witnesses. The Hearing Officer ruled that the Inspection Service had presented convincing case and ruled in their favor. I never had the chance to testify or present any evidence to contradict any of the evidence. I had gone to this hearing thinking that I would be able to clear my name only to once again be denied the right of due process. I still believed I had one more chance when my case would be called for a court hearing.

In May 1986, I received notice of my court hearing. I went to court but the case was dismissed and once again I was not able to tell my side of the story. However, I thought I was vindicated because I was not convicted of a crime and that now I could get my job back. I thought this because all the other employees who had their cases dismissed were given their jobs back with back pay.

I quickly learned that my job was still beyond my reach. Because Mr. Fields, Mr. O'Neill and myself had our cases heard before the MSPN, The Postal Service used the results of the hearing to prevent us from re-employment. After the dismissal of the other cases, those employees grieved their status and won in an arbitration hearing. I have heard that some employees received as much as \$30,000 in compensation.

I stand before you today a wronged. I have lost face before friends and family, given up on the plans I had for a better life and forced to work three jobs to survive. It is unbelievable that the only place I have been found guilty of anything is with the MSPB. Even stranger is the fact that the court ruled this evidence used by the MSPB Hearing Officer was not true.

Mr. Chairman, I have never been involved with drugs. I have always tried to live within the law and have tried to teach my children the difference between good and evil.

Thank you Mr. Chairman for finally allowing me to tell my story. I will be glad to answer any questions you may have.

Mr. CLAY. Mr. Fields.

Mr. FIELDS. Good morning.

Mr. Chairman, thank you for giving me the opportunity to appear before you today to tell my side of the story. My name is Anthony Fields, I am the father of four children and have been married for 20-plus years. Following graduation from high school, I at-

tended and graduated from Southern University in Baton Rouge, LA. I went to college on a full athletic football scholarship, fulfilling a dream of my mother to become the first member of my family to graduate from college. After graduation, I enlisted in the U.S. Air Force to fulfill my desire to serve my country.

After completing military service, I held several jobs in the private sector and was eventually employed by the Department of Labor as an employment interviewer working in the Disabled Veterans Outreach Program, also known as DVOP. I ended my employment with the Department of Labor after receiving an appointment to a clerk position with the U.S. Postal Service. After several months of working at the Stuart, FL, Post Office, I was transferred to the West Palm Beach office. This transfer was requested by me, as it was almost 40 miles one way to the Stuart office. I accepted this assignment knowing that it would require a reduction in pay. However, I believed that if I worked hard, the difference would quickly be made up and promotions would follow.

During the early part of 1985, while employed at the West Palm Beach Post Office, I was approached by an old school mate named Robert Gilbert. Gilbert had recently started to work at the office and we had re-acquainted ourselves. Gilbert asked me to borrow my car during a break for personal reasons, I later found out he had used my car for some "afternoon delight." I was not upset by this and had no reason to suspect any harm would come from this. As I stated, I had not seen Gilbert for a long time and was unaware of his past. If I had known he was involved in narcotics, I would not have loaned him my car or even bothered to re-acquaint myself with him.

A few days later, Gilbert asked me about narcotics. I told him I do not mess with them and that I would not discuss it any further. I offered to sit down with him and discuss the Bible and the greatness of our Lord, Jesus Christ. I never talked to Gilbert again until one day he came to me with five \$1 bills. I had loaned Gilbert money for snacks and so forth, not expecting to be paid back. He flashed and said he wanted to pay me back. I now know that at the time he paid me, a postal inspector was watching the exchange and I was later charged with the sale of cocaine to him.

In June 1985, I was given a specific work location to work in and told to stay put until further notice. Shortly thereafter, two postal inspectors approached me and asked my name. I responded and I was told I was being arrested for the possession, sale, and use of a controlled substance on Government property. I was taken to a room, searched, and asked to write the alphabet. Following this, I was asked to sign the Miranda Waiver of Rights, which I did. During the interrogation by the inspectors, several statements were made regarding drugs and another employee. I knew the only person who had mentioned drugs to me was Gilbert, and I did not feel the need to mention his statement because I knew I had done nothing wrong. At some point during the interrogation, they stated that I had bought drugs for Gilbert, not sold them to him. I denied this statement and stated that I had never been involved with the use or sale of narcotics. The inspectors then produced a statement that I had admitted to the purchase of the drugs for Gilbert.

The inspectors never asked me to sign this statement or produced any evidence that I had in fact bought drugs.

The humiliation, pain, and embarrassment caused by the Postal Service that my wife and children had to endure was uncalled for. The months that followed the false arrest nearly destroyed my family. My name was spread in the news media and my wife, a teacher in the public school system, had to continue with the knowledge that her coworkers thought she was married to a drug dealer. It was painful trying to explain to young children why I was not working.

Having never been arrested before, I turned to my union representative for help. However, I did not know he had limited knowledge of how to represent me. All he told me to do was call in every day at 9 a.m., and wait for further developments. I was confused. My checks continued to come to the house, but no one would tell me when I could go to court to get my job back. Finally the checks stopped and I called the union for help. The union advised me to ask for a hearing before the MSPB to appeal my removal from the service. I followed their suggestion and reviewed the MSPB procedures. Part III, No. 26 of the hearing application stated that I could request the hearing after the criminal cases had been completed. I requested this to happen. However, this was ignored and the hearing was set for January 1986.

My understanding of the hearing was that it was to be impartial and fair—it was anything but fair. The hearing officer heard the inspectors' and Gilbert's side of the story and ruled in their favor. I never got the chance to make my statements in my defense. Further, I was not allowed to call any witnesses to show that I had not been involved in narcotics. Approximately 3 months after the MSPB ruling, all charges against me and others involved in this matter were dismissed. I thought I would finally be able to return to my job.

The West Palm Beach Postmaster stated in the media after the ruling that regardless of the court action, none of the employees would ever work for the post office again. The inaccurate and misleading initial decision made the search for legal counsel almost impossible. The realization of the effects of the false accusations was horrendous. The search for employment to support my family was severely hampered by the false statements made in the media. I finally entered the Job Training Partnership Act Program and gained skills that enabled me to find another job. Before this, I had my car repossessed, bills were not paid, and I had to suffer the embarrassment of being wrongly accused of a crime.

I have only asked for justice. I thank you for giving me this opportunity to tell my story, and can only hope no one ever suffers as I and my family have. Thank you again, and I will be glad to answer any questions you or the Committee may have, sir.

[The prepared statement of Mr. Fields follows:]

PREPARED STATEMENT OF ANTHONY FIELDS, FORMER POSTAL SERVICE EMPLOYEE

Mr. Chairman, thank you for giving me the opportunity to appear before you today to tell my side of the story. My name is Anthony Fields, I am the father of four children and have been married for 20+ years. Following graduation from high school I attended and graduated from Southern University in Baton Rouge, Louisiana. I went to college on a full athletic scholarship fulfilling a dream of my mother

to become the first member of my family to graduate from college. After graduation I enlisted in the U.S. Air Force to fulfill my desire to serve my country.

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I have only asked for justice. I thank you for giving me this opportunity to tell my story and can only hope no one ever suffers as I and my family have. Thank you again and I will be glad to answer any questions you or the Committee may have.

Mr. CLAY. Thank you. And let me say to you from the outset that our purpose here is to make sure that you receive justice. We think it is an outrage what has happened to individuals like you in the Postal Service.

Mr. Rodriguez, how long were you in Vietnam before you were injured?

Mr. RODRIGUEZ. About 7 months.

Mr. CLAY. When you told us about an individual that they assigned to work with you and you said that you complained about him not working and you found out he was an untouchable, and then you also said that you had told the supervisors about his conversation in drugs. How often did you complain about his conversation in drugs?

Mr. RODRIGUEZ. I was complaining about Robert Gilbert almost every day. I even told my union representative about this. And I remember one day when my supervisor went to the office because he wanted to fire this man and that is when he came back and he told me "no way, José."

Mr. CLAY. You informed him that he did no work.

Mr. RODRIGUEZ. I told him that he would not come to the station when he had to, he would come about an hour later, when I had set it up already, and that I would find him sleeping. And this I told to Tom Spurca, who was my union representative—I showed him that in the men's bathroom, this man would go and lay on a cot and stay there.

Mr. CLAY. What did the union representative say or do?

Mr. RODRIGUEZ. He was on my side, but if he did anything else I would not know. Yet I know he spoke to one of the supervisors, whatever came out of that, I do not know.

Mr. CLAY. In your statement you said that somebody advised you that if you refused to have the hearing before the MSPB, that you could lose all of your rights for re-employment. Who advised you of that?

Mr. RODRIGUEZ. That was my union president. And Mr. John Nafeback, when I received the letter from Merit System Protection Board, I did not know what this was about, so I called the Postal Service office up and they then informed me about this. Mr. John—a supervisor answered me and who came then after that was Mr. John Nafeback, who was the Postal Service Employee Personnel Representative.

Mr. CLAY. That is Mr.—what is his name?

Mr. RODRIGUEZ. Nafeback.

Mr. CLAY. Is he a human resource person?

Mr. RODRIGUEZ. He was the personnel employee boss man, he was—

Mr. CLAY. So he was not a union representative——

Mr. RODRIGUEZ. No.

Mr. CLAY. He works in management?

Mr. RODRIGUEZ. He worked at that time for the Postal Service.

Mr. CLAY. In management?

Mr. RODRIGUEZ. In management.

Mr. CLAY. OK. Now you also testified that you had some witnesses who were going to testify for you in Miami, an hour and a half drive away. What time were they scheduled to get off?

Mr. RODRIGUEZ. Okay, James Sweeney came earlier in that evening and told the head supervisor "What provision had you made for me for I have to go and testify for José tomorrow morning." They told him they would get back to him and instead they gave him overtime.

Mr. CLAY. And there was another one that they gave overtime—you had two witnesses?

Mr. RODRIGUEZ. I had three witnesses and James Sweeney was one of them. He approached them to tell them about he being a witness of mine, and instead, they gave him overtime. They did not let him go.

Mr. CLAY. How did your wife and your children find out that you had been arrested?

Mr. RODRIGUEZ. My mother found out and my family found out through television that same night that I was being hauled from one office to the other.

Mr. CLAY. They did not give you the right to make a phone call to tell your family?

Mr. RODRIGUEZ. No. That day I was supposed to have been off and they made me come even though there was not enough work, they made me come to work that day and I was arrested.

Mr. CLAY. Mr. Fields, you made a statement that when this individual approached you about drugs, you said you would discuss the Bible with him. Are you active in church?

Mr. FIELDS. Yes, I am.

Mr. CLAY. What church do you attend?

Mr. FIELDS. Fellowship with Christ Church.

Mr. CLAY. And you play an active role in the church?

Mr. FIELDS I am a deacon in the church, sir.

Mr. CLAY. How did you—you mentioned a few things about your arrest and your loss of job, but how did it really impact on your family? And the reason I asked this, we had a witness in Cleveland—and I do not want to give any false hope because your case is a little bit different than what happened in Cleveland and the individuals, because you did go before the Merit System Protection Board. But our last witness in Cleveland was now working on a \$5-an-hour job after the arrest, he had just bought a home 2 years prior, his daughter was in college, he and his wife were getting along fine. And when all of this happened and all of the publicity that went with it—and of course they could not pay the note, they lost the home. The wife got suspicious and suspected that he was actually involved in drugs and she left him. The daughter dropped out of college and a year or two later got pregnant without getting married. And he was sitting on the couch with a pistol up to his

head ready to commit suicide when his daughter came into the room and talked him out of it.

I said earlier I did not want to give you any false hope, but we got him back to work with all of his back pay. And we are going to try to do the same thing for the two of you—but as I say, the Postal Service could make that decision, the Merit System Protection Board is going to have to make the decision in your cases, and we are going to lean on them as well.

But tell us some of the things that happened to you, I know they had to happen.

Mr. FIELDS. Well Mr. Chairman, if it had not been for my church and my wife—for 29 months and 5 days, that is the period of time that I was out of work and could not find employment, my wife had to carry the load, and she was expecting at the time—if it had not been for her, I probably would have attempted the same thing the man in Cleveland tried. Her encouraging words, her standing by me, telling me it is going to be all right. It is like taking your dignity away from you, your manhood. You know, you are losing something there. But she stood by me, I owe it all to God first and my wife for keeping me stable. There were times when I wanted to go out and work, go to day labor and she would say “No, if you go out and get hurt, we are worse off than we are now.” And I might add \$600 every 2 weeks or twice a month at that time, after taxes, with three kids and one on the way, it does not go far—it does not go far. So if it had not been for her, Mr. Chairman, yes, I probably would have considered the same route the gentleman in Cleveland considered.

Mr. CLAY. Mr. Rodriguez, you said that some paragraph that you read in your rights to appear before MSPB stated that you had the right to have your hearing there after the court decision. Did you inform somebody that you wanted to have the hearing—or was that you, Mr. Fields?

Mr. FIELDS. Yes, sir. What happened, Mr. Chairman, on the application, they asked if you wanted to have a hearing and I wrote in the hearing, “Yes, I want to have a hearing, but I want to have it after the criminal proceedings,” so I could be able to testify. My trial attorney said to me if you go to this MSPB hearing, because I was advised by my union representative to have this hearing under the presumption that being a veteran it would move swifter and they would be more lenient to judge fairly, and it would be in your favor. Contrary to popular belief, it did not go that way because the hearing officer—well it seemed like a joke, sir, in all honesty, the hearing itself. But I did ask on the application that I appear or have this hearing, the MSPB hearing, after the criminal proceedings. However, that seemed to have been ignored and the hearing was set approximately 1 month or so after the application was turned in.

Mr. CLAY. Do you have a copy of the application?

Mr. FIELDS. Not with me, but I do have a copy, yes.

Mr. CLAY. But you do and you can provide it for the committee?

Mr. FIELDS. Yes, sir.

Mr. CLAY. We would appreciate that.

Congressman Hastings.

Mr. HASTINGS. Very briefly, Mr. Chairman.

And let me, Mr. Fields, ask you, was there a court reporter at the MSPB hearing?

Mr. FIELDS. Yes, sir, there was.

Mr. HASTINGS. Have you secured a copy of the transcript of that proceeding?

Mr. FIELDS. Initially I had requested a copy of the transcript; however, the cost was \$300, \$298 and some change.

Mr. HASTINGS. Right.

Mr. FIELDS. They were about to send it, but I needed food and milk.

Mr. HASTINGS. So you do not have a copy of the transcript?

Mr. FIELDS. Well I asked the hearing officer of the MSPB for a copy, they also did not have a copy.

Mr. HASTINGS. Right. Mr. Chairman, just for information, have we secured a copy of the transcript?

Mr. CLAY. Yes.

Mr. HASTINGS. We do have it from the MSPB hearing for both these gentlemen?

Mr. CLAY. Yes.

Mr. ANDERSON We have part of—we have all of José's and part of Mr. Fields.

Mr. HASTINGS. Thank you very much, counsel.

Regarding the actual so-called transaction that you described where the gentleman gave you the five \$1 bills.

Mr. FIELDS. Yes, sir.

Mr. HASTINGS. Is that the only time in your memory that he gave you any money?

Mr. FIELDS. That is the only time there was any transaction, period, between us.

Mr. HASTINGS. All right, now was that a video recording or was there video and audio of that particular event?

Mr. FIELDS. According to the affidavit of the postal inspectors, there was supposed to have been some; however, there was none and they admitted at my MSPB hearing that they did have a recording of my saying to him, "Do not talk to me about no drugs, let me get my Bible, let us talk about Jesus Christ." Now they admitted that and still—I am a little baffled at the hearing.

Mr. HASTINGS. And your attorneys never were able to secure copies of any audio or video recording?

Mr. FIELDS. Sir, my representation at the hearing was myself and my union representative.

Mr. HASTINGS. All right.

Mr. Rodriguez, how many times did the informant approach you about buying and using drugs before you reported this to your supervisor?

Mr. RODRIGUEZ. When I understood what he meant, it was about 1 or 2 days afterwards. I do not like to mess with nobody's rights and being, so it was about 2 or 3 days after that, I told my supervisor, look, what is going on, and I did explain to him what was going on, though I did not want him fired, because like I said I do not like to mess with nobody's rights and being but I wanted him out of my station.

Mr. HASTINGS. The thing that interests me with reference to both of you is that both of you were veterans and you were advised that

you thought you might receive better consideration if you went the MSPB route. Am I correct that all of the fellow employees of yours who had their cases dismissed were reinstated at some point by the Postal Service?

Mr. RODRIGUEZ. Yes.

Mr. FIELDS. All permanent employees with the exception of four of us, us three and another one who was not a veteran.

Mr. RODRIGUEZ. He was not a veteran.

Mr. HASTINGS. OK.

Mr. FIELDS. Specifically, the three veterans got worse treatment, yes, sir.

Mr. HASTINGS. All right.

Thank you, Mr. Chairman.

Mr. CLAY. One final question, Mr. Fields. You said that they presented you with a statement of charges and you did not sign the statement. Did they use that against you at the MSPB?

Mr. FIELDS. I believe they did, sir. As a matter of fact, that was one of the reasons the hearing officer stated she based her decision on that statement, and I attempted to argue the point because I had never seen the statement. I had never signed it, I had never seen it. And I felt that I signed Miranda—well I am willing to cooperate, so let me at least see what you have written, and I am agreeing to cooperate because I have done no wrong. So why do you wait until the last minute to show me a statement that you have written, which is what the postal inspectors have done, or did, and it is strange, sir, that I believe that statement was dictated, was the words that I saw at the top of it, which leads me to believe that there should have been a recording of some sort. I mean, you know, 2 or 3 days later. Even to submit that—even to submit a recording of their interrogation of me, maybe at that time I would have said OK, yeah, this is what was said, because it is right there, or a transcription of it. But the words that were indicated on that statement submitted by the postal inspectors was dictated, so I do not know whether they pulled it from memory or whether they had a recording. They did not submit a recording, I have never heard of a recording that they produced or anything of that nature, sir.

Mr. CLAY. Well I can assure you that we will pursue this, not only the two of you but you say there are two others.

Mr. FIELDS. Yes, sir.

Mr. CLAY. That still have not gone back to work. We will do what is humanly possible to get your jobs back. We cannot make you whole, we cannot do anything about the bad publicity and the loss of your reputation, but I think this Government and the Postal Service owe you something and we are going to see if we can help you in that pursuit.

Mr. FIELDS. Thank you, sir.

Mr. CLAY. Thank you for testifying.

[Applause.]

Mr. CLAY. The next witness is Mr. John Mattes, attorney. Without objection, Mr. Mattes, your statement will be included in the record and you may present yourself as you see fit.

STATEMENT OF JOHN C. MATTES, ATTORNEY

Mr. MATTES. Thank you. Thank you for the opportunity to testify before your committee.

My name is John Mattes and I am an attorney here in south Florida. I have lived in south Florida since 1981 and from 1984 to 1988, I served as an assistant Federal public defender in the Southern District of Florida from Key West to West Palm Beach. In 1988, I left the public defender's office and went into private practice and in 1992, I went on special assignment as investigative counsel to the U.S. Senate Select Committee on Prisoners of War and served with that committee from 1992 to 1993. In 1993 I returned to private practice in south Florida.

Reflecting back on 1985, I must start out by saying that in that year, I had the opportunity and privilege to represent a group of individuals, all of who I can say were hard working Americans. I came to represent them after they were all accused of trafficking in narcotics in the West Palm Beach Post Office. In my first meeting with them, they all described the same situation, where they had been targeted by a drug addict informant, who was employed by the U.S. Postal Inspection Service. The drug addict informant would convince employees to go out with him during their lunch break to a drug infested area less than 3 blocks away from the post office, where minute small quantities of narcotics were purchased. Once the drugs were procured, the informant insisted that the drugs be brought back onto the U.S. post office property. This same scenario was repeatedly described by all of the clients and fit a classic case of entrapment. Each and every one of the post office employees demanded a full investigation and trial.

Following their request, I began, with their assistance, an extensive investigation of the circumstances surrounding their arrest. As part of the investigation, I interviewed each and every one of the defendants, all of whom had been postal employees with exemplary records with little or no brushes with the law. In stark contrast with the postal employees was the confidential informant himself, a three-time loser. My investigation of Mr. Gilbert took me to various meetings in West Palm Beach area with witnesses, all of whom confirmed our worst suspicions about Mr. Gilbert. The witnesses described a crack cocaine addict who was engaged in a variety of criminal activities, the least of it, purchasing and providing cocaine to a number of individuals, including his girlfriend at the time. A number of the witnesses also described his ongoing and habitual smoking of crack cocaine throughout the period of time when he was employed by the Postal Inspection Service. One of the witnesses even provided a crack cocaine pipe that Mr. Gilbert had mistakenly left in their vehicle.

After a number of months, the first case, that of Linda Allen, a veteran post office employee, came to trial. In the trial, the choice for the jury really came down to a choice between a drug addict informant who refused to admit that the crack pipe that we provided him at trial was his, and that of the hardworking post office employee.

The contrast between the two was stunning. The defendant testified as to how much pride she had in being able to work and work at the post office to provide support for her family. She went on to

describe at great lengths the tactics of how the post office informant pressured and hounded her and how a number of other post office employees all who he attempted to try to get to use drugs on the job or to bring drugs to the job. Sitting in on the trial really struck home to me how tragically wrong the whole situation was. There we were in a courtroom, the judge, the prosecutor, the Federal defender, the defendant, the informant, the jurors, all of us Federal employees, all of us wasting our time and Federal dollars. I kept thinking to myself how many thousands of dollars are being spent in this case at a time when our courts and our law enforcement services were being overwhelmed in south Florida by the epidemic of drugs coming in from South America.

The trial ended with the jury coming to the same conclusion I did about Linda Allen, that being she was not guilty. Leaving the trial, I hoped that this in fact would make a difference for the rest of the post office employees. Sadly, that was not the case. Despite the overwhelming evidence of the informant's narcotic usage and the over-reaching tactics of the U.S. Postal Service, the U.S. attorney's office for over a year refused to drop the cases. More importantly, the post office itself refused to acknowledge the verdict and fought to keep Ms. Allen and others from returning to work. Again, I returned to the same frustration, given the fact that we were all Federal employees, working for the same government.

My frustration turned to anger when I found out that the Post Office Inspection Service, instead of firing Mr. Gilbert, instead sheltered him and infiltrated him into yet another post office facility where they continued the same tactics. Thus, the trial had meant nothing to post office management and nothing to the Post Office Inspection Service.

More recently, I was deeply disturbed that the Post Office Inspection saw fit to continue these practices elsewhere in the country, most recently in Cleveland, OH.

It is disturbing on a public policy level, disturbing on a fiscal level and most disturbing on a personal, moral level. When Federal agencies cannot address the real problems of our country, they become nothing more than justly criticized bureaucrats. At a time when our community was faced with a number of problems and our courts were being stretched to their limits, it is outrageous to see Federal resources tied up and lives destroyed by the tactics utilized by the post office. Despite winning their cases, I could not give my clients back the dignity that had been taken away by the Post Office Inspection Service. That is why I am grateful that your committee is finally looking into these events from the standpoint of public policy.

Thank you.

[Applause.]

[The prepared statement of Mr. Mattes follows:]

PREPARED STATEMENT OF JOHN C. MATTES, ATTORNEY

Thank you for the opportunity to testify before your committee. My name is John Mattes and I'm an attorney here in South Florida. I've lived here in South Florida since 1981. From 1984 to 1988, I served as an Assistant Federal Public Defender, covering the Southern District of Florida from West Palm Beach to Key West. In 1988, I left the Public Defender's Office and went into private practice. In 1992 I accepted a special assignment as Investigative Counsel to the United States Senate

Select Committee on Prisoners of War and served with that committee from 1992 to 1993. In 1993 I returned to South Florida and the practice of law.

Reflecting back on 1985, however, I must start out by saying that in the year I had the privilege of representing a group of individuals, all of whom I can say were hardworking Americans. I came to represent them after they were all accused of trafficking in narcotics in the West Palm Beach post office. In my first meeting with them, they all described the same situation, where they had been targeted by a drug addict informant who was employed by the United States Postal Inspection Service. The drug addict informant would convince the employees to go with him during their lunch break to a drug infested area less than three blocks away from the post office, where minute amounts of drugs were purchased. Once the drugs were procured, the informant insisted that the drugs be brought back onto the United States Post Office property. This same scenario was repeatedly described by all of the clients and fit a classic pattern of entrapment. Each and every one of the post office employees demanded a full investigation and a trial.

Following their request, I began, with their assistance, an extensive investigation of the circumstances surrounding their arrest. As part of the investigation, I interviewed each and every one of the defendants, all of whom had been postal employees with exemplary records with little or no brushes with the law. In stark contrast with the postal employees was the confidential informant himself, a three-time loser. My investigation of Mr. Gilbert took me numerous meetings with witnesses in the West Palm Beach area, all of whom confirmed our worst suspicions about Mr. Gilbert. The witnesses described a crack cocaine addict who was engaged in a variety of criminal activities, the least of all purchasing and providing cocaine to a number of individuals, including his girlfriend. A number of the witnesses also described his ongoing and habitual smoking of crack cocaine throughout the period of time he was employed with the Postal Inspection Service. One of the witnesses even provided a crack cocaine pipe that Gilbert had mistakenly left in their vehicle.

After a number of months, the first case, that of Linda Allen, a veteran post office employee, came to trial. In the trial, the choice of the jury really came down to the choice between a drug addict informant who refused to admit that the crack pipe I offered him was his and the hardworking post office employee.

The contrast between the two was stunning. The defendant testified as to how much pride she had being able to work for the post office and provide support for her family. She also went on to describe at great length the tactics of how the post office informant pressured and hounded her and a number of the other post office employees to try and get them to use drugs on the job or to go with him on lunch breaks to purchase drugs. Sitting in the trial, it really struck home as to how tragically wrong the whole situation was. There we were, in a courtroom, the Judge, prosecutor, the federal defender, the defendant, the informant, and jurors, all of us wasting our time and federal dollars. I kept thinking to myself how many thousands of dollars were being spent in this case at a time when our courts and law enforcement services were being overwhelmed in South Florida by the epidemic of drugs coming in from South America.

The trial ended with the jury coming to the same conclusion I did, with Linda Allen being found not guilty on all counts. Leaving the trial, I hoped that this in fact would make a difference for the rest of the post office employees. Sadly, that wasn't the case. Despite the overwhelming evidence of the informant's narcotic usage and the overreaching tactics of the post office service, the U.S. Attorney's Office, for over a year, refused to drop the cases. More importantly, the post office itself refused to acknowledge the verdict and fought to keep Ms. Allen and others from returning to work. Again I return to the same frustration, given the fact we're all federal employees working for the same government.

My frustration turned to anger when I found out the post office service, instead of firing Mr. Gilbert, instead sheltered him, and infiltrated him into yet another post office facility where they continued the same tactics. Thus, the trial had meant nothing to the post office management and nothing to the Post Office Inspection Service.

More recently, I was deeply disturbed at the Post Office Inspection and saw fit to continue these practices elsewhere in the country, most recently in Cleveland, Ohio.

It's disturbing on a public policy level, disturbing on a fiscal level, and most disturbing on a personal, moral level. When federal agencies cannot address the real problems of our country, they thus become nothing more than justly criticized bureaucrats. At a time when our community has faced a number of problems and our courts have been stretched to their limits, it is outrageous to see federal resources tied up and lives destroyed by the tactics utilized by the Postal Inspection Service. Despite winning their cases, I could not give back to my clients the dignity that had

been taken away from them by the Postal Inspection Service. That is why I'm grateful that your committee is looking at these series of events from a standpoint of policymaking. Thank you. I'm available for questions.

Mr. CLAY. Thank you.

Let me start off by saying that Mr. Gilbert, according to your testimony, was a three-time loser when they hired him?

Mr. MATTES. That is correct, sir. What we found out, and not because it was voluntarily or willingly provided by the U.S. post office Inspection Service, was that in fact he had come through the court system here in West Palm Beach and that in fact he had a series of run-ins with the law. And as I reflect now, one of them was battery with an automobile, where he had attempted to hit someone with an automobile. And again, what was probably most troubling was that it came through loud and clear that throughout the period of time when he was employed and paid by the post office, he was using drugs throughout that period of time, non-stop.

Mr. CLAY. And the testimony this morning said he did not work while he was being paid.

Mr. MATTES. I used work in the sense that he was on the job trying to entrap people. But no, I did not find anyone in the post office that said he ever moved so much as one letter on behalf of the U.S. post office.

Mr. CLAY. Now you said after all of this happened, they transferred him to Miami and he still continued to be on the payroll?

Mr. MATTES. That is correct. And we alerted the post office Inspection Service, we met with them during the course of our investigation, we told them that our investigation was revealing that he was a crack addict. So at the time when we were meeting with them, they were moving him and hiding him, and they were moving him to Miami, FL, where they could entrap a number of other post office employees.

Mr. CLAY. Did you—based on your experience as a Federal litigator, find any problems with the quality and method of work of the Inspection Service's investigative techniques?

Mr. MATTES. That is correct. I have handled cases with the Drug Enforcement Administration, the FBI, Secret Service, all of them and what you look for in a case is when you send an informant into an environment, you ensure that the informant goes in clean and comes out with the narcotics and that the whole transaction is monitored. That is very standard. In this case, that never happened. What we saw were little bits and pieces of what the informant was doing over a course of months. We would see pictures of him handing something or something going back and forth between him and the defendant. We would hear little bits and pieces of tape recordings, we would hear statements made. But we never saw one transaction from beginning to end closely monitored by the Inspection Service. So from the standpoint as a Federal litigator, I saw an Inspection Service that was unable to control their own investigation.

Mr. CLAY. I want to read this into the record, because I think it is very important.

During the time that Robert Lee Gilbert worked at the facility here in West Palm Beach, he was paid \$5. an hour in West Palm Beach and \$11.68 an hour after he transferred to Miami. His ex-

penses during this total period were \$100 a week that they paid him. They gave him a bonus of \$11,000 and moving expenses of \$2,276 for a total amount of \$40,000. Then we have tracked him subsequently and found that he was moved from Miami to Atlanta, still on the payroll of the Postal Service.

Now Congressman, I am having some problems here. Here individuals have been fired and could not get jobs for months and we keep a convicted felon, a three-time loser, as our President says, ought to be in the penitentiary for life—and we keep him on the payroll.

[Applause.]

Mr. CLAY. I have got some problems with this. And they cannot justify not making these people whole. The Postal Service owes these people back money, they owe them their reputations back, they owe an apology to the people that they have harmed. And I just cannot understand, for the life of me. I want the record to show how confused I am, or maybe it is the Postal Service that is confused, but I know I am confused by giving a convicted felon \$40,000 to frame individuals who have fought for this country, one volunteered to go and the other got wounded in Vietnam, and we have treated them like this. I will tell you, we have got to do something about it.

Mr. Congressman Hastings, any questions?

Mr. HASTINGS. Thank you very much, Mr. Chairman.

As a segue to what you had to say, you know, we try often to avoid raising the specter of racism, but it is apparent from this investigation—and nothing has been brought forward this morning, and I would like it placed on the record, that based on our own investigation, that most of the employees, of the 34 who were addressed by this informant that we know about, were either black or Hispanic. And somewhere along the line there is a message there regarding those who were in authority making these decisions that impacted the lives of these individuals. I would hope that we will also give some reference point regarding that particular matter.

[Applause.]

Mr. HASTINGS. Additionally, Mr. Chairman, if you will permit me a personal prerogative, I formerly served in this district as a U.S. district court judge and I now serve in this district as a U.S. House of Representatives member. The witness that is before us, if we are not making big history, we are making a little in Florida, because I suspect this is the first time that a witness that has had the occasion to appear before a Federal judge and a Congressperson, and I can say this knowing John, his testimony speaks for itself as written. And I do not need to probe him with and extraordinary questions, I know him to be more than forthright and forthcoming, an extraordinary lawyer and one who would not say the things that he has said but for the fact that his investigation determined them to be true.

I have but one question. In your investigative aspect of preparation for trial, did you learn of any corroboration of any drug sale or purchase of any of the individuals that you represented?

Mr. MATTES. Not at all, Representative. As a defender who is used to dealing with people who have problems, what I saw in



terms of my clients were people that were insistent on their innocence, insistent that we do a thorough investigation and insistent on a fair trial. They did not have problems. The only person that had problems was the drug informant who was taking the drugs into the post office.

Mr. HASTINGS. Did you, John, have—Mr. Mattes—did you have anyone from the Postal Inspection Service, after the case was dismissed by Judge Vatunak, approach you and say, Mr. Mattes, we are interested in learning what your opinion is regarding this investigation? Did anybody from the Postal Inspection Service ever say anything to you in that regard?

Mr. MATTES. The only time I ever saw a post office Inspection—or the post office management after winning the case for Ms. Allen was when I was fighting to try and get the jobs back for the employees and the post office again was trying to deny them their rights.

Mr. HASTINGS. How about the—you and I know and the chairman does not have the burden of being a lawyer involved in these things, but you and I know that in a Federal trial, that there is very little in the way of real discovery. Did you ever have in hand at any point during the representation of Ms. Allen, physical videos or recordings? I heard you say about the bits and pieces, but was any of that ever turned over to you?

Mr. MATTES. We saw bits—and again, bits and pieces—selective photographs, stills, grainy stills from the Postal Inspection catwalks, grainy tape recordings, but again, they were bits and pieces, it was not a thorough investigation. So we really did not see anything. And in a follow up to what the inspector here said, what, from a Federal trial standpoint, constitutionally the United States, the prosecutor's office, should have turned over any evidence about the informant that they had. They should have turned over evidence that there was an inspector who was trying to blow the whistle. We did not hear any of that.

So not only were we having to do an investigation, there was information that constitutionally my clients deserved to have presented to them, which was being denied to them.

Mr. HASTINGS. Thank you, Mr. Mattes.

And Mr. Chairman, thank you so very much for having this field hearing here in this locale.

Mr CLAY. Thank you.

Mr. Mattes, one last question, do you have any suggestions that you might offer this committee that will ensure that this kind of deplorable action will not occur again?

Mr. MATTES. I think that all of us are called on to be accountable, and we have to look at a mechanism of accountability. Accountability and access to the Postal Inspection Service, and accountability in terms of customer service and doing something for the American people. I, when I served on the select committee, I did an investigation of fraud on behalf of the POW's, fund-raising fraud, 1620, \$30 million in fraud. The charity business is a \$120 billion a year business, wholly unregulated. When we met with the regional directors and the directors of the Post Office Service in terms of inspections of mail fraud, they threw up their hands. They

can target post office employees, but they cannot protect us from mail fraud. That is a sad statement.

So I would hope that institutionally, we could look at accountability and some customer service, and if they cannot do the job, they should not be there. Thank you.

Mr. CLAY. Thank you. And that concludes the hearings for today. We are going to leave the record open for 30 days and anyone that would like to submit a statement or evidence can get it to us. That concludes the hearing. Thank you.

[Whereupon, at 11:20 a.m., the committee was adjourned.]

[Additional information submitted for the record follows:]

PREPARED STATEMENT OF CHARLIE ONEAL

I did not sit before the committee but here is my statement which I have been wanting to tell. My name is Charlie Will Oneal. I was born in Barnesville, Georgia on November 29, 1948. But I was raised and educated in West Palm Beach, Florida. After my graduation from Roosevelt High School in 1967, I went to work for R.C.A. Corporation. In 1969, I was drafted into the United States Army. I was sent to Vietnam, where I served one tour of duty as a scout in the Armored Cavalry Regiment. For injuries received in battle, I was awarded a purple heart. In addition to the purple heart, I received: National Defense Service Medal, Good Conduct Medal, Combat Infantryman Badge, Sharpshooters Badge, Vietnam Service Medal w/2 bronze stars and a Vietnam Campaign Medal. I was able to accomplish something that a lot of other men didn't do. I made it back alive!

Upon returning to West Palm Beach, I went back to work for my previous employer. During the 70's jobs were plentiful in Palm Beach County. When the chance came to better myself, I went to work for Pratt Whitney Aircraft, where I worked for 1½ months. I was then offered a job with the United States Postal Service making \$5.00 per hour. I felt that I was living the American dream. I had a family, my own home and a good job with security.

During my years with the Postal Service, I received several bonuses and a pin for good work. I had worked for the Postal Service for 13 years when disaster struck.

In May 1985, my son was hospitalized with a broken neck. I drove to Atlanta, Georgia to be at his side until he recovered. When I returned to Palm Beach County to my new wife, and job, I was arrested and taken in a room and questioned by Postal Inspectors and asked to sign a Miranda Waiver of Rights, which I did. Myself and 19 other black and Hispanic employees were humiliated and embarrassed and treated like criminals in front of TV cameras in a drug sting initiated by the Postal Inspectors at the West Palm Beach Facility. I was then placed under arrest for 5-6 hours at the Federal Building. Then they let me go.

When I was released from court the next day, I was informed by personnel not to report back to work. I was told that I was suspended with pay, until further notice. I contacted my Union representative and was told to stay in touch. While waiting around, I was advised by my Union that I could get an administrative hearing within 90 days. Because I was a Vietnam veteran, I was advised to go before the Merit System Protection Board. I went before their administrative judge at their proceedings. I was sworn in and admitted that I didn't sell drugs on postal property. I was advised by my lawyer, Richard Lubin, not to say anything. And I didn't say anything. But I didn't sell drugs to Mr. Gilbert!

So we came from the proceedings and were told it would take 90 days before a verdict would come down. By that time we had a court date with the Federal court system. Eventually, the cases were thrown out of court because of lack of evidence. But, two months later the administrative judge said that we were guilty of selling drugs to Mr. Gilbert. How could she overrule a Federal judge with no evidence? She took his word against mine. Remember now, he was a villain, a thug, etc. I am a law-abiding citizen working for the Postal Service with good credibility. But the Postal Service told me that I was unfit to be on postal property because I was a drug dealer.

Other employees went before arbitration and received their jobs back. So how can you dismiss me from the Postal Service when other administrative judges laughed and replied that what they did was a joke—admitting these guys were not guilty. My dream for the American dream to have something of my own, has been washed away. Because justice didn't prevail. What can I say about due process? I was guilty

before I was proven not guilty. And that is the way they labeled me—as a guilty man. What I am is an American, and a proud American!

Just put yourself in my position, after being labeled a drug dealer. trying to get a decent job, and using the Postal Service as a reference. They cut you down, denying you a good reference. Being fired from the United States Postal Service is a *crime*. No college degree means no good jobs. That really hurts. This means doing what you have to do at low wages to support your family. Man, it is hard out there.

Thank you for answering my prayers. It took 8 years to get someone to listen and correct the mistake which the United States Postal Service brought shame upon me, and themselves. And thank you again! I would be happy to answer questions you may ask of me.

PREPARED STATEMENT OF DENNIS ORTIZ

Thank you Mr. Chairman for giving me the opportunity to appear before you today to tell you my side of the story. My name is Dennis Ortiz, I am the father of two children and have been married for eight years.

After graduating from High School, I took the civil service test for the Post Office and passed with a high score. Six months later I was training for the position of a L.S.M. machine clerk. After five years in the Postal Service, working the night shift, overtime for the Christmas rush, and working the weekends, I thought I had paid the price for the position I had.

Half way through January 1985 I met another employee named Mike. He told me he transferred from Fort Lauderdale and he didn't know anyone. After a month of working around me, I trusted him (Mike) with my car. I let him use my car on 5 or 6 different occasions to get something to eat at Burger King. He also brought food back for me. We exchanged keys and money for lunch purposes only. This went on for three months.

In June of 1985 on a normal night of work, they brought me in 1 hour before my scheduled time arrive. I was working on 030 station along with all my co-workers. Two Postal Inspector approached me and asked me my name. Then they proceeded to tell me that I was being arrested for the sale of a controlled substance.

I was then handcuffed and taken into a room to be searched and asked to sign a Miranda Waiver of Rights, which I did. During the interrogation by the inspectors, I was told that an informant that was undercover had gotten a controlled substance out of my car. I denied the accusation and told them that I never been involved in any sale of this kind. But yet I was dragged handcuffed in front of Television cameras which was aired on different Television Stations. The Postal Officials were also making statements to the Press that I was involved in trafficking drugs through the mail. I was sent to Jail that night.

At the time of my arrest I was the head of my household, which consisted of my mother who was divorced, my sister, my brother and one nephew whom depended on me for financial support. The same night of my arrest my family had seen the news and it was how they found out that I had been arrested.

The humiliation, pain and embarrassment, that was caused by the Postal Service, that my family and I went through was unbearable. The family that was united and proud of me at one time was now severely destroyed. My family and I were also confused; how after so many years with the Postal Service could ruin my name, reputation, cause me embarrassment in front of all my co-workers and not to mention costly trials that came out of this.

The Union represented me for arbitration. Even though no charges were brought against me and I had no criminal background, I thought I would get my job back. Still the Post Office did not hire me back. By now my reputation damaged and I was not able to get a job for 3 years. I finally ended up getting low paying jobs that didn't require a background check. I also suffered with bad nightmares for many years caused by the anguish.

After 8 years I have been able to prove to my family and friend that I am a honest man. I have never been arrested or charged with any crime in all my life with exception of charges brought by the Postal Service. Who made there own conviction.

Please Mr. Chairman, all I am asking for is justice. Once again I would like to thank you for giving me this opportunity to tell my side of the story.

